



Regular Meeting of the Board of Commissioners

September 10, 2020
6:00 PM



9-10-20

Item 10 a)

Consider Amending Ordinance 7 Article IV, Section 9(f) and Sections of the Humboldt Bay Management Plan to Clarify the Regulatory Standards for Signs and Related Structures

Recommendation: It is recommended that the Board: review the existing standards and policies regarding signs and provide additional direction to Staff on proposed amendments to Ordinance 7.

Humboldt Bay Management Plan Policy RVR-7 Discussion

Discussion: To protect sensitive habitat and species, and to protect aesthetic and economic values, the management and control of billboards in tidelands subject to the District's jurisdiction may be appropriate, particularly with respect to billboards sited in Humboldt Bay's tidelands in the future. **Currently, however, the District does not assert authority regarding billboard siting or management.** Additional investigation and stakeholder involvement is required to identify possible legal issues, management alternatives, and appropriate strategies.

Humboldt Bay Management Plan Policy RVR-7

May 2007

The District shall investigate its responsibilities with respect to billboard management issues affecting the Humboldt Bay area, including regulatory and legal issues related to possible control measures. Based on this investigation, **the District may develop, if appropriate, policy alternatives with respect to the future siting or construction of billboards in areas subject to the District's jurisdiction.**

Humboldt Bay Management Plan

Section 2.2.2 Bay Conservation

(B) Uses Authorized Within This Designation.

The following uses are examples of the kinds of uses that are expected to occur within the ***Bay Conservation*** use designation with a Use Permit from the District:

- (1) Educational/scientific studies that include manipulating the environment
- (2) Restoration and /or enhancement of environmental and natural resources, including fish and wildlife habitat, where such activities involve environmental manipulation
- (3) Recreational activities that include or involve structures, organized group activities, or environmental manipulation
- (4) **Maintenance of existing structures**, shoreline protection, and similar activities for existing structures or uses
- (5) Other types of conservation-related or maintenance-related activities or proposals not specifically identified above.

Management Plan Policies are consistent with Master Plan

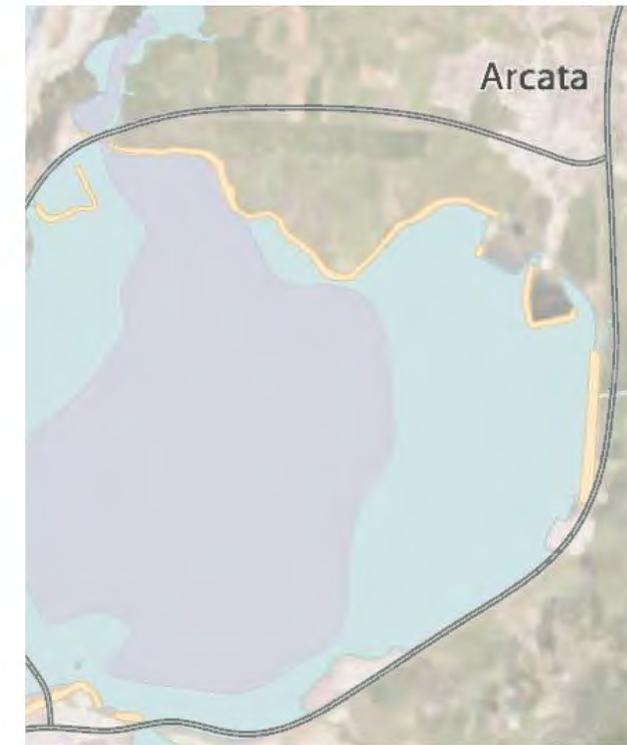
The Humboldt Bay Management Plan has been prepared within the framework established by the Humboldt Bay Master Plan (1975). (Page 60)

District Ordinance 7 Article IV, Section 9(f)
“Master Plan”
September 16, 1976

Signs and related structures, other than those that are necessary and approved by the District for navigational, public safety, resource management and identification purposes **shall be eliminated and prohibited from the tidal and submerged lands within the jurisdiction of the District.**



Figure 2-1: Humboldt Bay Water Use Designations



Primary Water Use

- Harbor
- Bay Conservation

Combined Water Use

- Marine Recreation
- Mariculture

Balance property owners rights with public interest

- Government's powers are not unlimited
- Conflict between 1976 Master Plan and Humboldt Bay Management Plan

Currently, however, the District does not assert authority regarding billboard siting or management. Additional investigation and stakeholder involvement is required to identify possible legal issues, management alternatives, and appropriate strategies.

Balance property owners rights with public interest

- Do not recommend one sentence amendment banning all billboards immediately
- Instead of a hard immediate billboard elimination Staff proposes a phased elimination which:
 - Provides property owner time to plan for removal
 - Generate income for specific time period allowing owner to amortize their investment
 - Provides for financial surety to remove billboards if improvements are made during the phased elimination period.

Proposed amendments

- No new billboards
- Establishes illegal versus nonconforming billboards
- Requires elimination by January 1, 2026 (5 years)
- Allowed continued use and change of sign copy

Proposed amendments

- Maintenance, repair, and reconstruction requires permit
 - Permit
 - “like for like” repairs above water level
 - Damage by high winds, destroyed by fire or other calamity above water level
 - Discourage vandalism by allowing reconstruction as long as no enlargement and work will have no significant impact on biological resources
 - Required permit conditions
 - Notice that sign, structure, and use are nonconforming
 - Requiring the applicant to provide financial surety to ensure that the billboard is removed by January 1, 2026.

HUMBOLDT BAY HARBOR, RECREATION,
AND CONSERVATION DISTRICT

AMENDMENT NO. 2 ORDINANCE NO. 7

AN ORDINANCE IMPLEMENTING
CERTAIN PORTIONS OF THE
HUMBOLDT BAY MASTER PLAN

THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT, DOES HEREBY AMEND ARTICLE IV SECTION 9. ENVIRONMENTAL QUALITY OF ORDINANCE NO. 7 AS FOLLOWS:

(f) Signs and related structures, other than those that are necessary and approved by the District for navigational, public safety, resource management and identification purposes shall be eliminated and prohibited from the tidal and submerged lands within the jurisdiction of the District.

The following words shall be inserted:

- 1) **Billboards and Off Premises Signs:** Billboards and off premises signs and structures are inconsistent with the purposes and standards of this Humboldt Bay Master Plan and are, therefore, prohibited in all Planning Designations in Article III.
 - a) *New Billboards and Off Premises signs and structures:* No new billboards and off premises signs and structures shall be permitted.
 - b) *Illegal Billboards and Off Premises Signs and Structures:* A billboard or off premises signs and structure, that has not been continuously occupied a site since September 16, 1976, and does not have an active permit from the District, shall be deemed an illegal sign and should be either eliminated in compliance with the Humboldt Bay Master Plan.
 - c) *Existing Non-conforming Billboards and Off Premises Signs and Structures:* A billboard or off premises signs and structure, that has continuously occupied a site since September 16, 1976, but does not have an active permit from the District, shall be deemed to be a non-conforming sign. The elimination of existing non-conforming billboards and off premises signs is as important to the Humboldt Bay aesthetic and public health, safety, and welfare as the prohibition of new billboards and off premises signs that would violate the provisions of this section. It is also recognized that non-conforming billboards and off premises signs should be eliminated in a manner that avoids an unreasonable invasion of established property rights. With these goals in mind, the District regulates non-conforming billboards and off premises signs as outlined below.
 - 1) *Non-conforming Billboards and Off Premises Signs Elimination.* Nonconforming billboards and off premises signs shall be discontinued and removed from their sites by January 1, 2026.
 - 2) *Continuation and maintenance.* Until January 1, 2026, a nonconforming billboard or off premises sign may be continued in operation and maintained, but may not be:

- i. Replaced with another nonconforming billboard or off premises sign;
 - ii. Moved to another location on the property; or
 - iii. Expanded or enlarged.
- 3) *Allowed change in copy.* The copy on a non-conforming billboards and off premises signs may be changed before the January 1, 2026 scheduled date of elimination without a permit provided that the change of copy does not increase the sign area or make the sign more non-conforming.
- d) *Maintenance, Repair or Reconstruction.* Provided that repair or reconstruction is started within one year and diligently pursued to completion, non-conforming billboards and off premises signs may be reconstructed and the nonconforming use may be resumed until January 1, 2026 as follows:
- 1) Ministerial Permit approved by the Executive Director.
 - i. Structures may have “like for like” repair work completed, as long as there is no enlargement or expansion of the structure or use and all repair is completed above the water level at the time repair work is completed.
 - ii. Structures which are damaged by high winds, destroyed by fire, or other calamity may with have the portions of the damaged structure above water level at the time the repair work is completed restored.
 - iii. Structures which are damaged by vandalism may be repaired or replaced and existing piles and anchors reattached provided that the applicant provides documentation that the work is not in any way enlarged over the existing structure and the work will have no significant impact on biological resources.
 - 2) All reconstruction not completed under section d)1) above shall require an Administrative Permit.
 - 3) All permits shall contain at a minimum condition(s):
 - i. Giving notice that the sign, structure and use remain nonconforming to the Humboldt Bay Master Plan.
 - ii. Requiring the applicant to provide financial surety in an amount and form acceptable to the Executive Director to ensure that the billboard is removed by January 1, 2026.